

MINUTES OF THE  
ARIZONA BOARD OF TECHNICAL REGISTRATION

February 23, 2010

9:30 AM

OPEN SESSION

1. **CALL TO ORDER** – The meeting of the Board of Technical Registration was called to order at 9:31 AM by Chair Karen Cesare.
2. **ROLL CALL** - Board Members in Attendance: Karen Cesare, Harold "Hal" Epperson, David Komm, Susan Schaefer Kliman, Howell "Chip" Shay, Erick Weiland, John Willett and Laurie Woodall. Claudia Perchinelli arrived at 9:41 AM. Board Staff: Ronald Dalrymple, Melissa Cornelius, LaVern Douglas, Kathryn Fuller, Lisa Vardian, Manuel Maltos, and Cassie Goodwin. Assistant Attorney General: Mona Baskin.
3. **CALL TO THE PUBLIC** – No members of the public addressed the Board.
4. **ADOPTION OF MINUTES** – Mr. Shay moved to approve the January 26, 2010 minutes Ms. Woodall seconded. Motion Carried.
5. **ENFORCEMENT MATTERS**  
Review, Consideration and Possible Vote on the following:
  - A. Proposed Dismissal
    1. M09-012, Lloyd W. Rogers, P.E. (Civil) #17927 – Dr. Schaefer Kliman recused herself stating a conflict of interest. Mr. Shay moved to accept Staff recommendation and dismiss this case. Ms. Woodall seconded. After discussion, Motion Carried. Ms. Perchinelli was absent.
6. **HOME INSPECTOR ENFORCEMENT MATTERS**  
Review, Consideration, and Possible Vote on the following:
  - A. Proposed Consent Agreement
    1. HI10-016, Saad Sean Shoucair, Nonregistrant – Mr. Shoucair was present and addressed the Board. Mr. Komm moved to accept Respondent's signed Consent Agreement encompassing the following: Assurance of Discontinuance: Respondent shall not practice, offer to practice or by any implication hold himself out as qualified to practice as a home inspector or prepare inspection reports; shall not advertise, or display any card, sign or other device that may indicate to the public that he is a certified home inspector, or is qualified to practice as such; and shall not assume the title of "Certified", "Professional", "Registered Professional", or "Professional Registered" Home Inspector within the State of Arizona until Respondent is granted registration by the Board; Civil Penalty: Respondent shall pay a civil penalty in the amount of \$8,000.00; and Cost of

Investigation: Respondent shall pay the cost of investigation in the amount of \$162.00. Mr. Epperson seconded. After discussion, Motion Carried. Ms. Perchinelli was absent.

**7. DRUG LABORATORY ENFORCEMENT MATTERS**

Review, Consideration, and Possible Vote on the following:

There were no Drug Laboratory Enforcement Matters before the Board.

**8. LICENSING MATTERS**

Review, Consideration, and Possible Vote on the following:

1. Jared Brown, EIT Application #090174 (For Information Only) – Staff informed the Board that Mr. Brown withdrew his application.
2. Robin Smith, EIT Application #061095 – Ms. Cornelius informed the Board that Applicant had two open EIT files at the Board, #020062, which she submitted on January 23, 2002, and #061095, which she submitted on June 29, 2006. For the reason that Applicant failed to timely meet all the registration requirements, the Board denied Applicant's most recent EIT application, #061095, at the January 26, 2010 meeting; however, the Board should have denied her older application #020062. Staff requested that the Board reopen #061095 to allow Ms. Smith to take the required exams and deny file #020062. Dr. Schaefer Kliman moved to reopen file #061095 and Deny file #020062. Mr. Epperson seconded. After discussion, Motion Carried. Ms. Perchinelli did not vote.

**9. LICENSING CONSENT AGENDA**

A. Review, Consideration, and Action on the Evaluation Committee and Staff Recommendations for the following (Lists of names available at the Board's office):

1. Granting professional or in-training registration
2. Granting approval to applicants to sit for the professional or in-training examinations
3. Administratively closing professional or in-training applications pursuant to A.R.S. § 32-122.01(A)
4. Administratively denying professional or in-training applications pursuant to A.R.S. § 32-204(J)

Mr. Shay asked that Premnath Sundharam, Application #091385 be removed from the list until verification is provided by the applicant showing completion of the Intern Development Program or passing the examinations.

Mr. Epperson moved to accept the recommendations for Agenda Item 9(A) with the exception of Application #091385. Dr. Schaefer Kliman seconded. After discussion, Motion Carried.

## **B. FOR INFORMATION ONLY**

1. Executive Director's Explanation of Board Delegated Authority to Administratively Grant Licenses Based upon NCEES or NCARB Records – Mr. Dalrymple provided background and information on the Board's history of allowing Staff to grant licenses based upon NCEES or NCARB records. Ms. Perchinelli asked that this issue be placed on the March 23, 2010 Agenda for further discussion. Ms. Woodall agreed and indicated the Board should explore a possible new Substantive Policy to give clear direction and commemorate the Board delegating this authority to Staff.
2. Registrations Granted by Board Delegated Authority (List of names available at the Board's office.)
3. In-Training Certificates Granted by Board Delegated Authority (List of names available at the Board office.)

## **10. POLICY MATTERS**

Review, Consideration, and Possible Vote on the following:

There were no Drug Laboratory Enforcement Matters before the Board.

## **11. Review, Consideration, and Possible Vote on the following:**

LAPSE LIST (List of names available at the Board's office.) – Mr. Epperson moved to lapse the registration of the individuals as listed. Dr. Schaefer Kliman seconded. Motion Carried.

## **12. DIRECTOR'S REPORT – Mr. Dalrymple advised:**

Budget:

The Board has not received any new information on its budget.

Finances:

As of December 31, 2009, the Board's revenue for FY 2010 totals \$774,365 and its expenditures total \$688,881. It is currently estimated the Board's revenue for FY 2010 will exceed expenditures by approximately \$200,000.

Administration is still in the process of negotiating a contract with Lexus Nexus to use its services to assist staff in locating delinquent registrants with invalid record addresses and also to assist investigators in locating individuals.

Legislation

On February 27, 2010, the House Commerce Committee will be hearing the Home Inspector Bill which proposes to include pools and spas to the list items in a home inspection.

A bill originating out of the Governor's Meth Task Force is being distributed to legislators in an effort to find a possible sponsor. The bill would increase penalties for a number of current violations committed by non-registrants. It would also give peace

officer status to some Board investigators allowing the better access to law enforcement records, allowing them to re-post seized sites and enhance their ability to locate and prepare criminal complaints against those who commit acts of fraud related to renting and selling unremediated residences without disclosing their status to the renter or buyer.

Originally, the Attorney General's Office was working on getting a sponsor for the bill, but they dropped out of the search because of the provision in the bill requiring a \$100 assessment against any person convicted of a crime involving meth, LSD, or ecstasy. The assessment would provide an estimated \$200,000 in revenue to the Board and place the cost on the criminal rather than Board registrants. We are working with several legislative contacts to try and locate a sponsor before the session closes down.

**13. BOARD CHAIR'S REPORT** – Ms. Cesare advised she has nothing new to report.

**14. STANDING COMMITTEE REPORT**

1. Legislation and Rules Committee ("L&R") – Nothing new to report.
2. Budget Committee – Nothing new to report.
3. Home Inspector Rules and Standards Committee ("HIRS") – Mr. Shay advised the HIRS Committee met February 3, 2010 and this is a summary of their meeting: 1) Discussed water heater normal operating controls: agreed to table pending review of the manufacturer's operating instructions; 2) noted Substantive Policy Statement on provisions for where the inspection ends for components outside the scope of a home inspection has been published; 3) approved a statement notifying home inspectors that advertising for termite inspection services required listing of contractor's Office of Pest Management license number; 4) the 2010 Pool & Spa Inspection Bill has been introduced into the legislature – adding this service to the standard scope of work to be performed by a home inspector; and 5) some future agenda items include continuing the discussion of developing a Substantive Policy Statement regarding allowing a Home Inspector to perform inspections which fall below the accepted standard of care.
4. Environmental Remediation Rules and Standards Committee ("ERRS") – Mr. Weiland advised the ERRS Committee met January 26, 2010 and the following is a summary of their meeting: 1) there were discussions on proposed changes to wording of A.A.C.R4-30-305; and 2) review and discussion on proposed meth lab annual refresher guide and training course. The next meeting is scheduled for March 23, 2010 at 1:00 PM.

**15. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES**

1. National Council of Examiners for Engineering and Surveying ("NCEES") – Ms. Perchinelli advised there is a Western Zone meeting coming up in April 2010. Other than that, there is nothing new to report.

2. National Council of Architectural Registration Boards ("NCARB") – Dr. Schaefer Kliman advised she is planning to attend the Western Regional Zone meeting in a month. Other than that, there is nothing new to report.
3. Council of Landscape Architectural Registration Boards ("CLARB") – Ms. Cesare is attending the CLARB Spring meeting in Dallas Texas this weekend (February 26 – 28, 2010). There will be discussions on health, safety, and welfare and why Landscape Architects should be licensed. She will be working with the communication committee for CLARB, seeking ways to make CLARB more accessible; CLARB may be moving into the social media arena such as Twitter, FaceBook, etc. She will have a full report at the March 23, 2010 meeting.
4. National Association of State Boards of Geology ("ASBOG") – Mr. Weiland advised he is planning to attend the upcoming meeting in April 2010 and will provide a full report at the May 25, 2010 meeting. Other than that, there is nothing new to report.

**16. FUTURE BOARD MEETINGS** – Tuesday, March 23, 2010 at 9:30 AM.

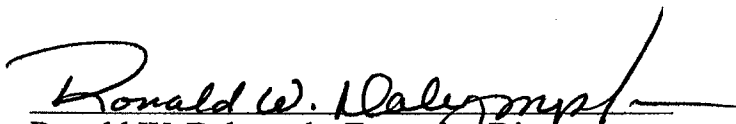
**17. FUTURE AGENDA ITEMS**

1. Discussion of Board Administrative Authority to grant professional licenses based on NCARB or NCEES files
2. Possible Substantive Policy Statement for Board Administrative Authority to grant professional licenses based on NCARB or NCEES files

**18. ADJOURNMENT** – Meeting adjourned at 10:45 AM.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION

  
Karen M. Cesare, Chair

  
Ronald W. Dalrymple, Executive Director